

North Andover Conservation Commission Meeting Minutes

July 22, 2015

Members Present: Douglas W. Saal, Vice Chairman, Joseph W. Lynch, Jr., John T. Mabon, Albert P. Manzi, Jr., Sean F. McDonough (arrive at 8:30 p.m.).

Members Absent: Louis A. Napoli, Chairman, Deborah A. Feltovic.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:10 PM Quorum Present.

Approval of Minutes 5/27/15 & 6/24/15

- Administrator states the 5/27 minutes are not ready and the 6/24 minutes are under review and will be on the next agenda.

NACC#152, 300 Abbott Street (Sargent School)

- Administrator states the Sargent School proposes to install a 5' wide paved path to access the swing set area for mobility challenged students. The closest point of work is 96' from the wetland.
- Mr. Saal asks why a path for mobility challenged students would lead to sand.
- Mr. Manzi states the path appears to be the only access to the swings.
- Mr. Lynch states no waiver is needed and the work is barely jurisdictional. He believes this is a reasonable accommodation and appears to meet the intent of providing access.
- Mr. Mabon states there will be minimal impact to the buffer zone.
- A motion to accept the proposal as a small project 4.4.2K is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to accept the small project as proposed with a condition for post construction inspection is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *E/Mail prepared by Dave Fanuele small project narrative dated July 16, 2015*
- *Aerial Plan dated June 23, 2015*

Request for Determination of Applicability

29 Granville Lane (Lanigan) (The Morin-Cameron Group, Inc.)

- Mr. Mabon reads the legal notice.
- John Morin of The Morin-Cameron Group, Inc. presents the proposal to install a new septic system within the 100-foot Buffer Zone. He states there is a high water table. The work

should take no more than two weeks. The large leaf pile adjacent to the resource area will be removed by the installer.

- Mr. Lynch asks if any of the utilities will need to be moved as they come in off the street in the area of the leach field.
- Mr. Morin states they may need to be.
- Mr. Lynch and Mr. Mabon discuss leaving a corridor in which the utilities could be moved. That corridor should be more than 80 feet from the wetland resource area.
- A motion to issue a negative determination #3 and #6 is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *Letter prepared by The Morin-Cameron Group, Inc. dated July 10, 2015*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Figure #1 USGS Locus Map prepared by The Morin-Cameron Group, Inc. dated July 9, 2015*
- *Authorization Form prepared by the applicant Mr. Robert Lanigan dated May 26, 2015*
- *Affidavit of Service dated July 10, 2015*
- *Notification to Abutters Form*
- *Certified Abutters List dated July 10, 2015*
- *NHESP Map prepared by The Morin-Cameron Group, Inc. dated July 9, 2015*
- *Sanitary Disposal System Repair Plan prepared by The Morin-Cameron Group, Inc. dated July 10, 2015*
- *Photo prepared by the Town of North Andover Conservation Department dated July 16, 2015*

Notice of Intent (NOI)

242-1651, Olde Salem Village Condos (Key-Lime, Inc.)(Hayes Engineering, Inc.) (cont. from 7/8/15)

- Administrator states the as-built plan is complete and will be submitted in time for the next meeting. The applicant requests a continuance to the August 12, 2015 meeting.
- A motion to grant the request for a continuance to the August 12, 2015 meeting is made by Mr. Mabon, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail prepared by Hayes Engineering, Inc. requesting a continuance to the August 12, 2015 meeting dated July 21, 2015*

242- , Boxford Street (Messina Development Company, Inc.) (Christiansen & Sergi, Inc.)

- Mr. Mabon reads the legal notice.
- The applicant Robert Messina of Messina Development Company, Inc. and Philip Christiansen of Christiansen & Sergi, Inc. are present.

- Administrator states she walked the site with Lisa Eggleston of Eggleston Environmental on July 21, 2015.
- Mr. Christiansen presents the proposal to install an entrance roadway to a PRD development off of Boxford Street. The entire entrance is in the buffer zone to a wetland across the street. The water line extension was filed for previously. There will be 12 acres of open space. The project is currently under review by NHESP. No trails are proposed in the open space.
- Mr. Manzi asks if there will be a public access point to the open space.
- Mr. Mabon states there should be a trail as part of the planning.
- Mr. Saal asks if the road will be a public way.
- Mr. Christiansen states the Town of North Andover Division of Public Works requested catch basins in the roadway for times when the LID swales are blocked with snow. The stormwater system is comprised of swales and a detention basin. The basin is within the open space.
- The Commission discusses the appropriateness of having the detention structure in the open space.
- Mr. Manzi states the ephemeral pools on the property should be certified.
- Mr. Mabon asks if parking is proposed for public access.
- Mr. Lynch recommends the Administrator communicate with the Planning Department about a possible trailhead, trail and parking.
- The Administrator states test pits are needed for the bioretention area.
- A motion to grant the request for a continuance to the August 12, 2015 meeting is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Signatures and Submittal Requirements*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State and Town Check*
- *Project Description*
- *Letter Construction Sequence prepared by Christiansen & Sergi, Inc. dated June 26, 2015*
- *Locus Map prepared by Christiansen & Sergi, Inc.*
- *Firm Flood Rate Map dated July 2, 2012*
- *NHESP Map dated October 1, 2008*
- *Letter prepared by Division of Fisheries & Wildlife dated July 9, 2015*
- *Certified Abutters List dated June 6, 2015*
- *Notification to Abutters Form*
- *Definitive PRD Development Lots 1, 2 5, 6 7 Plan prepared by Christiansen & Sergi, Inc. dated June 12, 2015*
- *Construction Details 1 prepared by Christiansen & Sergi, Inc. dated June 23, 2015*
- *Sedimentation Control Plan prepared by Christiansen & Sergi, Inc. dated June 12, 2015*
- *Stormwater Management Report for the PRD Definitive Subdivision prepared by Christiansen & Sergi, Inc. dated June 26, 2015*

242- , 95 Old Cart Way (Murtha III) (Giles Surveying)

- The Commission waives reading of the legal notice. No abutters present.
- The applicant Thomas Murtha, III of 95 Old Cart Way is present.
- Mr. Manzi and Mr. Lynch discuss filing requirements with Mr. Murtha. An appropriate plan is needed.
- Mr. Lynch and Mr. Manzi state structures are not allowed in the No-Build Zone.
- Mr. Manzi states also an alternative analysis needs to be submitted with the filing.
- Mr. Saal states that the Jacuzzi location is not waivable.
- Mr. Mabon states the rest of the proposal looks feasible but the stairs and Jacuzzi deck will need to be moved.
- Mr. Manzi discusses acting on the waiver request.
- Mr. Murtha states he will need to hire an engineer.
- A motion to grant the request for a continuance to August 12, 2015 is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to ratify the Enforcement Order is made by Mr. Manzi, seconded by Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Signatures and Submittal Requirements*
- *NOI Wetland Fee Transmittal Form*
- *North Andover Conservation Commission Waiver Request Form prepared by Thomas Murtha, III dated July 10, 2015*
- *Letter prepare by Mr. Handyman Dennis P. Turmel dated July 9, 2015*
- *Amended Letter prepared by Arrow Environmental, LLC dated July 10, 2015*
- *Letter Prepared by The Building Department dated July 7, 2015*
- *USGS Map dated July 10, 2015*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by Town of North Andover Assessors Office dated July 13, 2015*
- *Proposed Modification Plan of Land prepared by Giles Surveying dated November 13, 2006, revised November 27, 2006, revised December 20, 2006, revised, May 24, 2007, revised June 13, 2007, revised June 1, 2007, revised June 21, 2007, revised August 1, 2007*
- *Bing Aerial Photo prepared by the Town of North Andover Conservation Department dated July 16, 2015*
- *Google Earth Aerial Photo prepared by the Town of North Andover Conservation Department dated 1995*
- *Google Earth Aerial Photo prepared by the Town of North Andover Conservation Department dated December 30, 2001*

- *Google Earth Aerial Photo prepared by the Town of North Andover Conservation Department dated April 29, 2005*
- *Google Earth Aerial Photo prepared by the Town of North Andover Conservation Department dated 2007*
- *Google Earth Aerial Photo prepared by the Town of North Andover Conservation Department dated June 18, 2010*
- *Google Earth Aerial Photo prepared by the Town of North Andover Conservation Department dated September 27, 2014*
- *Photos prepared by the Town of North Andover Conservation Department dated July 16, 2015*
- *Letter prepared by the Town of North Andover Conservation Department dated July 1, 2015*
- *WPA Form 9-Enforcement Order*
- *Photos prepared by the Town of North Andover Conservation Department dated June 30, 2015*

242-1634, 50 Royal Crest Drive (Pond Redesign) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 7/8/15)

- Administrator states the applicant requests a continuance to the August 26, 2015 meeting.
- A motion to grant the request for a continuance to August 26, 2015 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Document:

- *E/Mail prepared by Cornerstone Land Consultants, Inc. requesting a continuance to the August 26, 2015 dated July 22, 2015*

242-1635, 50 Royal Crest Drive (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 7/8/15)

- Administrator states the applicant requests a continuance to the August 26, 2015 meeting.
- A motion to grant the request for a continuance to the August 26, 2015 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *E/Mail prepared by Cornerstone Land Consultants, Inc. requesting a continuance to the August 26, 2015 meeting dated July 22, 2015*

Amendment

242-1629, 4W High Street (RCG West Mill NA, LLC) (Horsley Witten Group, Inc.)

- David Steinbergh and Seth Zeren of RCG West Mill NA, LLC and John Ford of Horsley Witten Group are present.
- Mr. Ford states there are engineering challenges involving a cement slab which protects the culvert carrying the stream under the building. It will not support vehicular traffic so a realignment of the parking lot is needed. The amended proposal includes demolition of Building 37. The demolished building area would remain green space/grass until a final master plan for the property is complete. John Ford presents a slide presentation.

- Mr. Lynch states an amendment is appropriate for this type of change.
- Mr. Ford stated the existing bridge and cooling tower will remain.
- Abutter Roger Pennington expresses concern for Osgood Pond stating it is turning into a swamp.
- Abutter George Stern also expresses concern about invasive vegetation and silt in the pond. He is concerned about further pollution and contamination.
- The Conservation Commission discusses pond ownership and possible solutions with the abutters.
- Mr. Stern asks about test wells on the West Mill site.
- Mr. Lynch states there is a net benefit to the demolition portion of the project as it will be green space for now.
- A motion to close and issue the amended Order of Conditions within 21 days is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter prepared by RCG West Mill NA LLC dated July 8, 2015*
- *Letter prepared by Roger Pennington and George Stern of 148 Main Street dated July 10, 2015*
- *O & M Report prepared by Horsley Witten Group, Inc. dated July 2015*
- *Stormwater Analysis and Drainage Report Amended July 2015*
- *West Mill Redevelopment Construction Plan prepared by Horsley Witten Group, Inc. dated July 16, 2015*
- *Letter prepared by Eggleston Environmental dated July 17, 2015*
- *Aerial Photos prepared by Horsley Witten Group, Inc. dated July 22, 2015*
- *Letter prepared by RCG West Mill NA LLC dated July 8, 2015*
- *Request to Amended Order of Conditions 242-1629 prepared by Horsley Witten Group, Inc. dated July 2015*
- *West Mill Redevelopment Construction Plans prepared by Horsley Witten Group, Inc. dated July 2015*

General Business: 9:00PM

242-683, PCOC Request, 38 Foxwood Drive (Lot 47) (SKM Title & Closing Services, P. C.)

- Administrator states the lot is not jurisdictional.
- A motion to issue the PCOC for 38 Foxwood Drive (Lot 47) only is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter prepared by SKM Title & Closing Services, PC dated July 7, 2015*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

242-1533, COC Request, 16 Berry Street (Margret Circle off Berry Street) (LEC Environmental Consultants, Inc.)

- Administrator states COC for invalid order of conditions work never started.

- A motion to issue the COC for invalid Order of Conditions is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter prepared by LEC Environmental Consultants, Inc. dated July 15, 2015 requesting a Certificate for Compliance*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Copy of Town Check*
- *Copy of Order of Conditions*

242-1544, Request for Partial Bond Release, 26 Main Street (Jeffco, Inc.) (cont. from 7/8/15)

- The applicant Douglas Ahern of Jeffco, Inc. is present.
- Mr. Manzi recuses himself due to a conflict of interest.
- The Conservation Commissions discusses the approved planting plan for 26 Main Street.
- Mr. McDonough states he would prefer to see fewer plantings and have them survive than plant more and have them not make it.
- Mr. Ahern states he is having problems with neighbors and kids playing in the area which has resulted in plant loss.
- There is discussion of installing a fence with abutter but there is an issue with backing out of the last unit. More space is needed.
- Mr. Ahern states I think the month of September would be a better time to do the plantings.
- A motion to grant the request for a continuance to September 23, 2015 meeting is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Election of Officer, Vice Chairman (cont. from 7/8/15)

- A motion to continue this matter to the August 12, 2015 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

Bylaw Regulations

- Administrator states with work ongoing for the Open Space Plan there has not been time for this.
- A motion to grant the request for a continuance to August 12, 2015 meeting is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Decision

242-1629, 4W High Street (Amended Order of Conditions)

- Administrator reviews the amended Order of Conditions.
- The Commission accepts the amended Order of Conditions as drafted.

- A motion to approve and issue the amended Order of Conditions as drafted is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

A motion to adjourn the meeting at: 9:30PM is made by Mr. McDonough, seconded by Mr. Manzi.

Vote unanimous.